

1 CHANG & DIAMOND APC  
Alison J. Maloof, SBN 249635  
2 624 BROADWAY #305  
SAN DIEGO, CA 92101  
3 (619)233-6300

4 UNITED STATES BANKRUPTCY COURT  
5 SOUTHERN DISTRICT OF CALIFORNIA

6  
7 In re:

8 MARY SWEENEY

9 DEBTOR(S)

} Case No.: 10-10746-LT13

} RESPONSE TO DEBTOR'S  
DECLARATION

} DATE: May 24, 2011

} TIME: 11:00 a.m.

} CTRM: 3

} Hon. Laura S. Taylor

12 TO ALL INTERESTED PARTIES

13 NOW COMES, CHANG & DIAMOND, APC, and responds to Debtor's  
14 declaration, filed April 27, 2011:

- 15 1. Chang & Diamond (hereinafter "Attorneys") advised Mary Sweeny  
16 (hereinafter "Debtor") that a fee application was warranted on February 24,  
17 2011, via email correspondence. Attorneys estimated that approximately 11  
18 hours of attorney time was spent at the hourly rate of \$400/hour. Attorneys  
19 estimated that approximately 2-4 hours of legal assistant time was spent at  
20 the hourly rates of between \$75-\$100 per hour. Attorneys represented to  
21 Debtor that it the requested fees would range from \$5,500 to \$6,000.  
22 Attorneys requested that Debtor contact the firm via telephone to discuss any  
23 questions relating to the proposed fee application.
- 24 2. Debtor never contacted Attorneys to discuss the proposed fee application via  
25 telephone.
- 26 3. Debtor emailed Attorneys with questions regarding the fees in the prior case,  
27 to which Attorneys explained that the prior case was not at issue in this  
28 matter. This fee application is limited to the work done on the current case.

- 1 4. The fee application was filed on March 4, 2011. Debtor was properly served
- 2 with the fee application.
- 3 5. Debtor did not respond to the fee application by March 21, 2011, which was
- 4 the 21 day deadline.
- 5 6. Debtor then appeared at the hearing on the fee application to object. The
- 6 Court gave the Debtor a new deadline of April 26, 2011, to serve a
- 7 declaration in opposition to Attorney's fee application.
- 8 7. On April 27, 2011, one day late, Debtor filed her objection.
- 9 8. Debtor's objection was improperly served.
- 10 9. To date, Debtor has not corrected the errors and deficiencies in her service.
- 11 10. Attorneys are merely requesting to be compensated for the work done on the
- 12 Debtors' case.
- 13 11. As stated in the fee application, Attorneys are requesting **\$4,305.00** to be paid
- 14 through the plan. Additionally, the fee application was drafted to clearly
- 15 explain the appropriate hourly rates for the various individuals at the firm
- 16 working on this case.

17 DATED: May 10, 2011

/s/ Alison J. Maloof  
ALISON J. MALOOF  
Attorney for Debtor

1 Chang & Diamond, APC  
2 Alison J. Maloof, SBN 249635  
3 624 Broadway Suite 305  
4 San Diego, CA 92101  
5 619-233-6300

6 **CERTIFICATE OF SERVICE**

7 I, the undersigned whose address appears below, certify:

8 That I am, and at all time hereinafter mentioned was, more than 18 years of age;

9 That on May 10, 2011 I served a true copy of the following documents:

10 **Response to Debtor's Declaration**

11 By U.S. Mail, First Class postage fully prepaid at 624 Broadway, Suite 305, San Diego, CA 92101 on  
12 the following persons:

13 Mary Karyl Sweeney  
14 10545 Grandview Dr.  
15 La Mesa, CA 91941

16 David L. Skelton  
17 525 B St. Ste 1430  
18 San Diego, CA 92101-4907

19 I certify under penalty of perjury that the foregoing is true and correct.

20 Executed on 5/10/2011, at San Diego, California

21  
22 /s/Alison J. Maloof  
23 Alison J. Maloof  
24 624 Broadway Suite 305  
25 San Diego, CA 92101  
26  
27  
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